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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,992	08/02/2001	Graham John Simms	4254	7173

7590

02/02/2004

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EXAMINER

PRONE, JASON D

ART UNIT PAPER NUMBER

3724

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,992

Applicant(s)

SIMMS, GRAHAM JOHN

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9-13 and 15-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-13,15,18,23,24 and 28 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9,10,16,17 and 19-22 is/are rejected.
- 7) ☒ Claim(s) 25-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Schauble.

Schauble discloses the same invention including a blade unit carrying structure (14) on which a blade unit (42) is permanently mounted (Fig. 4), that the blade unit is pivotally mounted relative to the blade carrying structure (Fig. 9) about a predetermined axis extending longitudinally through the blade unit (223), a delivery system (34) for conducting a fluid dispensed from a reservoir (16) connected to the blade unit carrying structure (Fig. 4) to at least one discharge port (52), that the discharge port has an opening (Fig. 3 arrows) located close to the predetermined axis of the blade unit (Fig. 9) for discharging fluid through the opening directly to the skin (Fig. 4 below blade 58) near the pivot point (Fig. 9), that the discharge port opening is defined by a part which remains stationary (226) with respect to the blade unit carrying structure during pivotal movement (Fig. 9), that the stationary part is not mechanically coupled directly to the blade unit (Fig. 8), that the discharge port is disposed to deliver fluid at a guard surface of the blade unit (Fig. 3), that the discharge port has an opening located at or close to the predetermined pivot axis (Figs. 7 and 8), that the blade unit includes a channel (25)

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for distributing fluid delivered through the discharge port across the blade unit in the direction of the pivot axis (Fig. 8), that the channel is open continuously along the length to allow fluid to pass through (46), and that the channel is substantially parallel to the pivot axis (Fig. 3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 10, 16, 17, 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schauble in view of Hackmyer. Schauble discloses the invention but fails to disclose that the blade unit carrying structure is movably connected to a supporting structure and is movably relative to the supporting structure for actuating a valve, that the blade unit carrying structure is hingedly coupled to the supporting structure for the valve to be actuated when the blade is pressed against the skin, that the reservoir is formed by a container having a rim surrounding the valve, that the supporting structure is firmly attached, by friction, to the container at the rim, a valve member, a sealing member, that the valve member cooperates with an annular valve seat and is capable of tilting to open the valve, and that the blade unit carrying structure comprises a hollow stem structure extending from a flange base, and that the base is engagable by a finger for displacing the blade unit to actuate the valve. Hackmyer teaches a blade unit carrying structure that is movably connected to a supporting

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structure (Fig. 10) and is movably relative to the supporting structure (21a) for actuating a valve (Fig. 1), a blade unit carrying structure that is hingedly coupled to the supporting structure for the valve to be actuated when the blade is pressed against the skin (Fig. 1), a reservoir that is formed by a container having a rim surrounding the valve (Fig. 3), and that the supporting structure is firmly attached, by friction, to the container at the rim (Fig. 3), a valve member (25a), a sealing member (Fig. 3), that the valve member cooperates with an annular valve seat (Fig. 3) and is capable of tilting to open the valve (Fig. 1), that the blade unit carrying structure comprises a hollow stem structure (23c) extending from a flange base (Fig. 3), and that the base is engagable by a finger for displacing the blade unit to actuate the valve. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Schauble with the characteristics taught by Hackmyer to allow for an easier way of dispensing fluid during a shaving operation.

Response to Arguments

5. Applicant's arguments filed 21 November 2003 have been fully considered but they are not persuasive. The Schauble patent clearly discloses, in Figures 3 and 9, a discharge port opening located close to the predetermined pivot axis of the blade unit. The term "close" has been given its broadest interpretation and, therefore, the distance between the port opening and the predetermined pivot axis is considered close. Also, the apparatus, disclosed by the Schauble patent, clearly discharges fluid through the opening directly to the skin. The arrows, in Figures 1 and 3-8, show the path of the fluid exiting the apparatus right under the blade and right where the face or skin would be.

Allowable Subject Matter

6. Claims 11-13, 15, 18, 23, 24, and 28 are allowed.
7. Claims 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

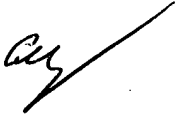
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

JP
January 28, 2004



Allan N. Shoap
Supervisory Patent Examiner
Group 3700